

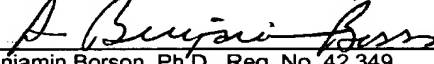


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Morales, et al.	)	
	)	Art Unit: Unknown
SC/Serial No.: 09/773,312	)	
	)	Examiner: Unknown
Filed: January 31, 2001	)	
	)	
Title: METHODS FOR CHARACTERIZING AND	)	<u>Customer No. 23910</u>
REDUCING ADVERSE EFFECTS OF	)	
TEXTURE OF SEMICONDUCTOR FILMS	)	
	)	

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Commissioner for Patents, Washington, D.C. 20231**, on May 18, 2001.

 (Attorney Signature)  
D. Benjamin Borson, Ph.D., Reg. No. 42,349  
Signature Date: May 18, 2001

**DECLARATION OF D. BENJAMIN BORSON**  
**ACCOMPANYING PETITION UNDER 37 CFR §1.47(a)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, D. Benjamin Borson, declare and state as follows:

1. I am an attorney representing Advanced Micro Devices, Inc., the owner of the subject matter claimed in the above-identified application.
2. Prior to September 8, 1999, I prepared a United States Patent Application listing Mr. Morales as an inventor.
3. On or about September 8, 1999, in response to an email requesting execution of formal documents previously sent to him regarding the drafted application, Mr. Morales sent a reply email stating in part that "...AMD has decided to have me do a large number of patents, and only pay for a trickle of them. For that reason I am not doing any more AMD patent work until AMD brings all the patents, for which I have signed, up to date, and pay me the corresponding application awards." A copy of this email is attached as Exhibit A.

4. On January 31, 2000, I filed the Application as a United States Provisional Patent Application and it was assigned Serial No: 60/179,274.

5. Prior to January 31, 2001, I prepared a Utility Patent Application based on the previously filed Provisional Patent Application, listing Mr. Morales as an inventor.

6. On January 26, 2001, I sent a letter along with a copy of the Utility Patent Application and copies of a Declaration and Joint to Corporate Assignment for this application to Guarionex Morales by Certified Mail, Return Receipt Requested. The letter was addressed to his home address of 859 Blair Avenue, Apt. 4, Sunnyvale, California 94087. A copy of the letter is attached as Exhibit B.

7. The letter was received by Mr. Morales on January 30, 2001, as evidenced by Mr. Morales' signature on the Return Receipt, a copy of which is attached hereto as Exhibit C.

8. Mr. Morales has not returned an executed Declaration or Joint to Corporate Assignment to me.

9. In view of the above, I believe that Mr. Morales' conduct constitutes a refusal to sign the Declaration.

10. The last known address for Mr. Morales is as follows:

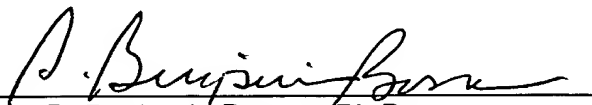
Mr. Guarionex Morales  
859 Blair Avenue, Apt. 4  
Sunnyvale, CA 94087

I hereby declare that all the statements made herein of my known knowledge are true and that all statements made on information and belief are believed to be true; and further, that these

statements are made with the knowledge that willful false statements are made punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: May 18, 2001

By: \_\_\_\_\_



D. Benjamin Borson, Ph.D.  
Reg. No. 42,349

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone (415) 362-3800

D. Ben Borson

---

From: Guarionex Morales [guarionex@earthlink.net]  
Sent: Wednesday, September 08, 1999 5:06 PM  
To: 'D. Ben Borson'  
Subject: RE: Patents

Mr. Borson,

I have not finished the review of the patent on plasma treatment. I did start it at one point, but AMD has decided to have me do a large number of patents, and only pay for a trickle of them. For that reason I am not doing any more AMD patent work until AMD brings all the patents, for which I have signed, up to date, and pay me the corresponding application awards.

If it were one or two I wouldn't be doing this, but the number is much higher than that. I'm sorry you are caught in the middle of this, but I do not receive a salary from AMD, and I am certainly not going to work for free.

Thank you,  
GM

-----Original Message-----

From: D. Ben Borson [SMTP:dbb@fdml.com]  
Sent: Thursday, August 12, 1999 2:47 PM  
To: guarionex@earthlink.net  
Subject: Patents

Gary: My telephone number is (415) 362-3800. Thanks, Ben

FLIESLER  
DUBB  
MEYER &  
LOVEJOY LLP

INTELLECTUAL PROPERTY LAW  
SAN FRANCISCO • SANTA CLARA

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BRENT A. FOLSON  
LORI L. BEHUN  
LARRY T. HARRIS  
JONATHAN M. HOLLANDER  
SCOTT D. SANFORD  
PATENT AGENT  
KARL F. KENNA  
COUNSEL  
DAVID E. LOVEJOY

D. BENJAMIN BORSON  
dbb@fdml.com

January 26, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Guariouex Morales  
859 Blair Avenue, Apt. 4  
Sunnyvale, California 94087

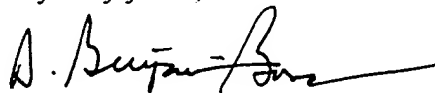
Re: U.S. Patent Application Entitled:  
PASSIVATION OF EXPOSED METAL SURFACES OF INTERCONNECT  
METAL LINES WITH NITROGEN RICH PLASMA  
Inventor(s): Morales, et al.  
FDML File: AMDI-08366USO

Dear Gary:

Enclosed for your review is a draft of a patent application listing you as an inventor. This application represents work that you carried out while an employee of Advanced Micro Devices. I also enclose a copy of a Declaration by inventor and an Assignment. Please review the patent application carefully and after you have read the application, please sign the Declaration and the Assignment and return all the documents to me as as soon as possible. We will file this patent application by Wednesday, January 31, 2001.

Thank you very much for your cooperation.

Very truly yours,



D. Benjamin Borson, Ph.D.

DBB:edb  
Enclosures

cc: Winona Orange, Advanced Micro Devices, Inc.  
Larry E. Vierra, Esq. (without enclosures)  
Martin C. Fliesler, Esq. (without enclosures)

dbb/amdi/8366/8366.015.wpd

RECEIVED

MAY 29 2001

OFFICE OF PETITIONS

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Guarionex Morales  
859 Blair Avenue #4  
Sunnyvale, CA 94087

4a. Article Number

2 139 384 660

4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery

07 1-30-01

5. Received By: (Print Name)

Guarionex Morales

8. Addressee's Address (Only if requested and fee is paid)

Return Receipt

Thank you for using Return Receipt Service.